

REMARKS

Summary

Claims 1, 2, 4, 6-14, 16, 18-22, 24 and 26-28 are pending in this application.

Favorable reconsideration and allowance of the pending claims are requested.

Examiner Interview

Applicants would like to thank Examiner Tan for conducting a telephone interview with Applicants' representative on March 16, 2009. During the interview, Examiner Tan and Applicants' representative discussed the independent claims, the applied reference(s), and the grounds of rejection. The substance of the interview is reflected by the foregoing amendments and the following remarks.

Objections to the Drawings

Figures 1-3 and 5 stand objected to. Applicant is having corrected drawings prepared by a draftsman and will submit them as a supplemental amendment to this response. Applicant respectfully requests the Examiner to hold the objection to the drawings in abeyance until corrected drawings may be obtained from the draftsman.

Specification

The specification has been amended to recite language from provisional application 60/456,794, which has been previously incorporated by reference. Support

for the amendments may be found in the provisional application 60/456,794 at least at FIG. 19a, for example.

Claim Rejections – 35 U.S.C. § 112

Claims 1, 2, 4, 6-14, 16, 18-22, 24 and 26-28 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the § 112(1) rejection.

Applicant respectfully submits that the amended language of “a rigid display screen having a single physical size” is adequately supported by the specification. FIG. 1 illustrates a device 100 in two configurations 100A, 100B. The first configuration 100A shows a display 109 in a full display configuration 109A. The second configuration 100B shows the display 109 in a partial display configuration 109B. FIG. 1 and Specification, Page 8, Lines 11-27. This is further described in the Specification at Page 11, Lines 5-12, which states:

The device of Figure 1 contains a screen having a configurable size because it allows the screen to collapse in order to decrease the size of the device. When expanded, nine common voicemail functions are displayed 101, and these correspond to keys 1-9 of the keypad. However, when closed, only the most commonly used three buttons are shown....

A skilled person would understand from FIG. 1 and accompanying description that the display 109 has a single physical size. A portion of the device 100 having the keypads 105 and navigation resources 107 may move down to expand an amount of screen area

for the display 109 that is visible to a user, and move up to close an amount of screen area for the display 109 that is visible to the user. It is certainly clear from FIG. 1, that the actual physical dimensions of the display 109 are not modified between configurations 100A, 100B, such as physically removing portions of the display 109 or adding portions of the display 109. The fact that the claims as originally filed in both the provisional application and non-provisional application use the terms “first viewable size configuration” and “second, larger, viewable size configuration” also supports that it is the viewable portion of the display 109 that changes, and not the physical dimensions of the display 109 itself.

In addition, the provisional application 60/456,794 explicitly recites use of a “sliding mechanism” to switch between a rectangular screen implementation and a tall screen implementation. The “sliding mechanism” further clarifies that it is the portion of device 100 having keypads 105 and navigation resources 107 that slides up and down, thereby increasing or decreasing the viewable area for the display 109. The specification has been amended herein to explicitly recite this feature rather than rely upon incorporation by reference.

Furthermore, Figure 1 and its accompanying description illustrates the device 100 as relatively rigid in that the device 100 may neither flex nor bend without causing damage to the device 100, a characteristic that is typical of many mobile devices. As such, the display 109 is also relatively rigid as well. This is further evidenced by the numerous examples given for the display 109 and display device 510, such as a CRT, LCD, FED, plasma display, and so forth (Specification, Page 17, Lines 13-21), which are typically displays with rigid structures to prevent damage due to flexing or bending the

display. Consequently, FIG. 1 and accompanying description supports the use of the term “rigid display screen” as recited in the claimed subject matter.

Based on the above, Applicant respectfully submits that the specification reasonably conveys to one skilled in the relevant art of smart phones that the inventors, at the time the application was filed, had possession of “a rigid display screen having a single physical size” as claimed. Accordingly, removal of the § 112(1) rejection is respectfully requested.

Claims 1, 2, 4, 6-14, 16, 18-22, 24 and 26-28 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the § 112(2) rejection.

Claim 1 recites “a rigid display screen having a single physical size that is configurable between a first viewable physical size configuration and a second, larger, viewable physical size configuration for displaying on-screen icons.” This language is consistent with Figure 1 and accompanying description, and is not contradictory as stated by the Office Action. An example of the “rigid display screen having a single physical size” is the display 109. An example of “a first viewable physical size configuration” is shown in 100B as the display configuration 109B. This may represent the device 100 when “closed” as explicitly stated in the specification in the above-recited language. An example of a “second, larger, viewable physical size configuration” is shown in 100A as the display configuration 109A. This may represent the device 100 when “expanded” as explicitly stated in the specification in the above-recited language. Consequently, the

specification particularly points out and distinctly claims the subject matter.

Accordingly, removal of the § 112(2) rejection is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 2, 4, 6-14, 16, 18-22, 24 and 26-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Publication No. 2003/0228863 to Vander Veen et al. (hereinafter “Vander Veen”) in view of United States Patent No. 6,819,304 to Branson (hereinafter “Branson”). Applicants respectfully traverse the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

Applicant respectfully reiterates the reasoning provided in Applicant’s response dated August 21, 2008 in view of the remarks made in responding to the 112(1) and (2) rejections made herein.

To form a *prima facie* case of obviousness under 35 U.S.C § 103(a) the cited references, when combined, must teach or suggest every element of the claim. *See* MPEP § 2143.03, for example. Applicant respectfully submits that the Office Action has not established a *prima facie* case of obviousness because the cited references, taken alone or in combination, fail to teach or suggest every element recited in claims 1, 2, 4, 6-14, 16, 18-22, 24 and 26-28. Therefore claims 1, 2, 4, 6-14, 16, 18-22, 24 and 26-28 define over Vander Veen and Branson whether taken alone or in combination. For example, claim 1 recites the following language, in relevant part:

a rigid display screen having a single physical size that is configurable between a first viewable physical size configuration and a second, larger, viewable physical size configuration.

Applicant respectfully submits that he has been unable to locate at least the above recited language of independent claim 1 in the teachings of the Vander Veen reference or the Branson reference.

Applicant respectfully submits that the Vander Veen reference fails to teach, suggest or disclose the above recited language of independent claim 1. As correctly noted in the Office Action, the Vander Veen reference fails to teach the above recited language of claim 1. Therefore, Applicant respectfully submits that the Vander Veen reference fails to teach, suggest or disclose each and every element recited in amended independent claim 1.

Applicant respectfully submits that the Branson reference also fails to teach, suggest or disclose the above recited language of independent claim 1. Applicant respectfully submits that the Branson reference, arguably, teaches an adjustable display device having multiple display segments. In particular, the cited portions of the Branson reference, arguably, teach that the display device is made of a flexible material such as plastic polymer semiconductors that allow the physical dimensions of the adjustable display device to be modified by folding and unfolding, or attaching and detaching, the display segments. Branson, Col. 1: Lines 26-36 and Col. 3: Lines 42-50. By way of contrast, amended claim 1 recites “a rigid display screen having a single physical size that is configurable between a first viewable physical size configuration and a second, larger, viewable physical size configuration.” The Branson reference does not have “a single physical size,” but rather has different physical sizes depending on the number of display segments that are folded/unfolded or attached/detached. Applicant respectfully

submits that he has been unable to locate at least the above recited language of claim 1 in the teaching of the Branson reference. Therefore, Applicant respectfully submits that the Branson reference fails to teach, suggest or disclose each and every element recited in independent claim 1. Consequently, the Vander Veen reference and the Branson reference, whether taken alone or in combination, fail to disclose, teach or suggest every element recited in claim 1.

According to the Office Action, Branson discloses the missing language of claim 1 because it shows “the display screen has an initial physical size that may be configured by adding or removing additional portions to create a larger or smaller, viewable screen.” Applicant respectfully points out that the claim 1 recites “a rigid display screen having a single physical size that is configurable between a first viewable physical size configuration and a second, larger, viewable physical size configuration.” By way of contrast, the Branson reference adds and removes portions of a display screen, and therefore fails to disclose the missing language of claim 1 does not read on the teachings of the Branson reference.

For at least these reasons, Applicant submits that claim 1 is patentable over the cited references, whether taken alone or in combination. In addition, claims 10 and 21 recite features similar to those recited in claim 1. Therefore, Applicant respectfully submits that claims 10 and 21 are not obvious and are patentable over the cited references for reasons analogous to those presented with respect to claim 1. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to claims 1, 10 and 21. Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See* MPEP § 2143.03, for example.

Accordingly, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claims 2, 4, 6-9, 11-14, 16, 18-20, 22, 24 and 26-28 that depend from claims 1, 10 and 21, and therefore contain additional features that further distinguish these claims from the cited references.

Conclusion

For at least the above reasons, Applicant submits that claims 1, 2, 4, 6-14, 16, 18-22, 24 and 26-28 recite novel features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1, 2, 4, 6-14, 16, 18-22, 24 and 26-28 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 724-933-9338 to discuss any matter concerning this application.

Appl. No. 10/616,108
Response Dated April 17, 2009
Reply to Office Action of November 17, 2008

Docket No.: 1070P3823
Examiner: Tan, Alvin H.
TC/A.U. 2173

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to the credit card in the previously filed credit card authorization form.

Respectfully submitted,

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